

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20146 of 2004

Between:

M/s BL Commercial Corporation, Tenali, Guntur District,
rep. by its Authorised Signatory A.K.S. Prasad.

..... PETITIONER

AND

- 1 Addl. Commissioner (CT) Legal (FAC), A.P. at Nampally, Hyderabad.
- 2 Commercial Tax Officer, Gandhi Chowk, Tenali.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction declaring the order passed by the 1st respondent in CCT's Ref.No. LV(1)/2188/2002/LV(1)/2416 dt. 11-10-2004 as illegal, arbitrary and set aside the same and consequently restrain the 2nd respondent from collecting the disputed taxes for the years 1998-1999 and 2000-01 pending appeals before the Tribunal.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent Nos.1 to 3: SPL GP FOR TAXES

The Court, at the stage of admission, made the following:

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeals, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met, if stay was granted pending appeals, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of eight weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeals, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

3rd November, 2004.

(S.ANANDA REDDY, J)

Note: Issue wire at party's cost

B/o

Pvks

To

- 1 The Addl. Commissioner (CT) Legal (FAC), A.P. at Nampally, Hyderabad.
- 2 The Commercial Tax Officer, Gandhi Chowk, Tenali.
3. Two C.Cs to the Special G.P. for Commercial Taxes, High Court Buildings,
Hyderabad (OUT)
- 4 Two C.D copies.